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Attorneys for Plaintiff
ALOHA MEDICINALS, INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

ALOHA MEDICINALS, INC.,

Plaintiff,

vs.

POLAR SERVICE COMPANY, INC.,

Defendant.

Case No. C 05-02188 RS

**STIPULATION AND
PROPOSED ORDER
DISMISSING ACTION**

Fed. R. Civ. P. 41(a)(2)

STIPULATION

WHEREAS Plaintiff ALOHA MEDICINALS, INC. ("Plaintiff") and Defendant POLAR SERVICE COMPANY, INC. ("Defendant") have concluded their settlement of this action, the parties, by and through their respective counsel of record herein, hereby stipulate that the Court be respectfully requested to enter an order, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, dismissing this action with prejudice, each party to bear its own attorney's fees

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1 and costs.

2 DATED: May 16, 2006

BANNING MICKLOW BULL & LOPEZ LLP

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4 By /s/ Kurt Micklow

5 Kurt Micklow

6 Attorneys for Plaintiff
7 ALOHA MEDICINALS, INC.

8 DATED: May 16, 2006

9 MCNAMARA, DODGE, NEY, BEATTY,
10 SLATTERY, PFALZER & BORGES LLP

11 By /s/ Thomas G. Beatty

12 Thomas G. Beatty
13 Wilma J. Gray

14 Attorneys for Defendant
15 POLAR SERVICES COMPANY, INC.

16 ORDER

17 IT IS SO ORDERED.

18 Dated: May 17, 2006

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20 Honorable Richard See
21 United States Magistrate Judge
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